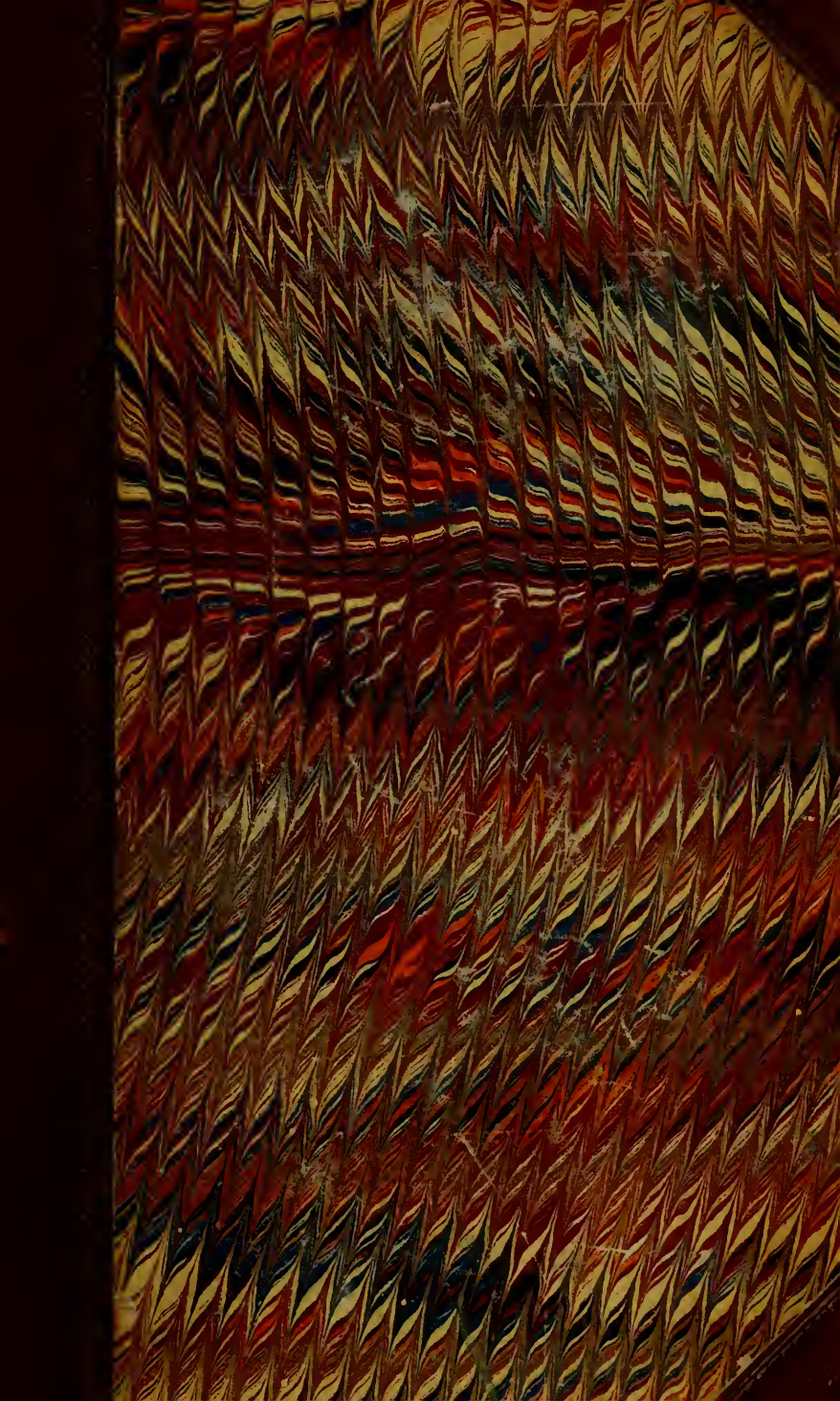

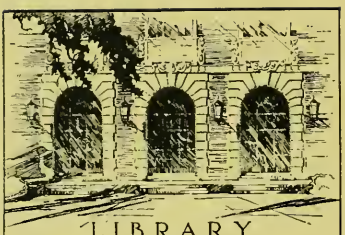

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TWO LETTERS

TO HIS GRACE THE

ARCHBISHOP OF CANTERBURY,

ON THE

Origin and Progress

OF THE

ECCLESIASTICAL COMMISSION.

PUBLISHED BY DESIRE OF HIS GRACE.

THIRD EDITION.

London;
RIVINGTONS, 3, WATERLOO PLACE:
AND 41, HIGH STREET,
Oxford.
1863.

"Addington Park, Sept. 23, 1863.

"My Dear Sir,

"The Origin, Progress, and Present Position of the Ecclesiastical Commission are so little understood, that I think it would be very desirable that the Two Letters you have addressed to me should be published.

"Believe me, yours very truly,

"C. T. CANTUAR."

"Edmund James Smith, Esq."

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LETTER I.

14, Whitehall Place,
September, 1863.

My Lord Archbishop,

The proceedings of the Ecclesiastical Commission from 1850 to 1863 are so much the result of the recommendations made by the Church Enquiry Commission in 1835, and of the consequent legislation, that any narrative relating only to the recent period would be fragmentary and scarcely intelligible. I therefore propose to consider in the first place, the legislation relating to Church Reform, and the working of the Ecclesiastical Commission from 1836 to 1850; and then to proceed to the period from 1850 to 1863.

When the Bishops were advised in Parliament to set their houses in order, the vexations of the system of taking tithes in kind, and the scandal of pluralities, rendered legislation indispensable; and there is no doubt that, with the concurrence, and under the sanction, of Archbishops Howley and Harcourt, the singular sagacity of Bishop Blom-

field materially influenced the decisions of the Legislature.

It may be true that "the Ecclesiastical Commissioners sat nibbing their pens until Bishop Blomfield came[1];" yet the other Commissioners were men of real, not of factitious, eminence. Archbishops Howley and Harcourt, Bishop Kaye, Earl Harrowby, Mr. Hobhouse, Sir Herbert Jenner, would have waited, if they did wait, for none but a master-mind,—and your Grace is aware that for nearly a quarter of a century that mind continued constant in the belief, that the measures which were agreed upon by the Church Enquiry Commission would be ultimately recognized as the saving of the Church.

The first step was to ascertain approximately the real amount of the Church revenues; and the Report of the Church Revenues Commission surprised even the most sincere friends of the Establishment. It appeared from the elaborate details appended to that Report that, underlying the large incomes of some of the Bishops and dignitaries, and of a few of the parochial Clergy, the poor livings were so numerous, that the whole revenues of the Parochial Clergy, divided equally between the whole number of livings, would barely afford to each an income of 285*l.* a year. It was also apparent that in the lapse of years large masses of population had congregated in the mercantile

[1] Bishop Blomfield's Life.

and manufacturing districts without any corresponding provision for their spiritual instruction, and that the Church revenues and accommodation were most inadequate precisely where the population was most dense.

The Church Enquiry Commission was therefore appointed to consider the state of the Established Church with reference to Ecclesiastical duties and revenues; and the Report entered at great detail into the best mode of redistributing the whole of the existing Episcopal and Capitular revenues. It was directed to three main points:— The resettlement of the Episcopacy; The residence of the Parochial Clergy on their respective Benefices; The provision of funds for the relief of Spiritual Destitution.

In 1836 Bills relating to these three points were brought into Parliament; and the Bill relating to the resettlement of the Episcopacy passed into law.

From at least the time of Edward I., when Clarell held sixteen preferments, through the period when Cardinal Wolsey held at one time the sees of York, Winchester, and Lincoln, other benefices had been held with bishoprics. At the date of the Report the incomes of bishoprics varied from 20,000*l.* to 700*l.* a year; and several dignitaries held five or six preferments in the aggregate more valuable than the majority of the Bishoprics. Even now one prelate, then on the Bench, survives to hold with the insufficient revenues of his bishopric

a canonry of Durham, and the treasurership of Exeter Cathedral, worth together 4000*l.* a year.

This Act provided that the income of each Bishop should be determined within as narrow limits as the fluctuating nature of the income admitted, and should not be capable of increase by the addition of any other preferment; that two new bishoprics should be created; that the larger sees should, as they became vacant, pay over to an Episcopal fund such amounts as should be calculated to leave them the incomes named in the Act; that from that fund the smaller bishoprics should receive fixed payments, so as to make their average incomes not less than 4000*l.* a year, and the incomes of the two new sees be provided; that the several sees should be territorially re-arranged, and, where necessary, a residence for each Bishop provided within the diocese; and that, in completion of this process of comparative equalization, the Episcopal patronage should be redistributed. The members of the Royal Commission of Enquiry were incorporated under the name of "The Ecclesiastical Commissioners for England," to carry out these enactments. The provisions of the Act jealously guarded against any interference with the management of Episcopal property, and provided that all increase of the revenues should be applied to Episcopal purposes.

The restriction on future Bishops from holding other preferments took effect on the vacation of

each bishopric; and the see of Durham being vacated in 1836, funds were at once provided for putting the Act into operation. The territorial rearrangements were generally prescribed in the Act, and their details involved comparatively little trouble. The settlement of the precise sums to be paid over by the larger bishoprics to the Episcopal Fund was more difficult, being dependent upon evidence which the Commission had little means of testing, and upon the fluctuating revenue derivable from the falling in of fines at uncertain intervals. The provision of residences could only proceed as the Episcopal Fund increased by the vacation of the larger bishoprics; and the rearrangement of patronage was the most difficult task, and has only been recently completed by means of a very laborious and patient investigation on the part of a lay member of the Board.

Two operations under this Episcopal Act have been the subject of considerable animadversion: one, that in the case of the see of Durham, the income of the Bishop appointed in 1836 much exceeded the income named in the Act; the other, that the outlay on episcopal residences was excessive.

Neither of these points affects the period from which the present constitution of the Ecclesiastical Commission dates. As regards the first objection it may be well in passing to observe, that the Bishop of Durham, on the one hand, offered in the first instance to take the statutory income, and

to leave the excess to the Commission; conceiving, on the advice of his local agents, that the large sum to be paid by him to the Commission would reduce his income below the statutory amount; and that the Commission, on the other hand, neither had any other evidence than that of the local agents of the see, nor could, by the terms of the Act, accept the Bishop's offer if it had desired to do so. It should not be forgotten either that in the cases of the sees of York, Ely, and others, the sums directed to be paid did really reduce the episcopal income below the statutory amounts.

As regards the second objection, it should be remembered that the Parochial Clergy had no interest in the redistribution of the episcopal revenues, and that the provision of episcopal residences was as much part of that redistribution as the additions made to the poorer bishoprics from the Episcopal Fund. It would have been impossible for a non-resident Bishop to have enforced the residence of the Parochial Clergy. The total, whether taken as 60,000*l.*[2], or as 117,000*l.*, is a small amount in comparison with the whole redistribution of episcopal revenues of which it formed a part, and cannot fairly be regarded as extravagant for the cost of six new residences and of the partial restoration necessary to render three others permanently fit for habitation.

[2] The cost to the Episcopal Fund was 60,000*l.*, the rest was provided by the sale of Reversions of Episcopal property.

It should also be remembered that the episcopal members of the Church Enquiry Commission sacrificed, as did the Crown, a large amount of personal patronage under these recommendations. Archbishops Howley and Harcourt, and Bishops Blomfield and Kaye gave up several sinecure Rectories, Canonries, and Prebendal Stalls vacated prior to 1836, and concurred in the annual suspensions of the nominations to such preferments until the decision of Parliament was expressed in 1840.

In the same year (1836) the Tithe Commutation Act also passed, extinguishing the great source of disputes between the Church and the agricultural interest, and enabling landowners to commence that remarkable improvement in the cultivation of the land which is still very partially developed.

In 1838 the second of the main recommendations of the Church Enquiry Commission,—The residence of the Parochial Clergy on their benefices; was carried into effect by the passing of the Pluralities Act, prohibiting spiritual persons from holding more than two preferments, or than one benefice with cure of souls, except under certain limitations.

At the institution of Queen Anne's Bounty in 1714, there were 216 livings under the value of 10*l.* a year, and in 1834 eleven livings remained under that value, one containing 800 inhabitants; and so lately as 1808 half the benefices in England are said to have had incomes of less than 50*l.* a year. There were certainly in 1834 no less than

2623 livings under the value of 120*l.* a year, and 2713 other livings under the value of 220*l.* a year; so that out of the total number of 10,500 livings there were one half under 220*l.* a year, and one-fourth under 120*l.* a year: these were very generally held in plurality; some with one service weekly, some with a monthly service, and some with services suspended during one half, and only occasionally performed during the other half, of the year. (In the diocese of Norwich, so lately as 1830, fifteen churches were served by three brothers.) There were also 4000 livings without houses fit for residence.

The prohibition to hold these livings in plurality involved the necessity for the provision on each vacation of a house fit for residence, and of an income sufficient to maintain a separate incumbency. The change secured the gradual increase in the number of the resident Clergy, especially in the agricultural districts, and is constantly creating additional claims upon the funds for the relief of spiritual destitution. Its effect has not as yet been adequately estimated, the residence of the Parochial Clergy upon their benefices being the cardinal change effected by this series of reforms.

In 1840 the third of the main recommendations of the Church Enquiry Commission,—The provision of funds for the relief of spiritual destitution; became law by the passing of the Cathedral Act; and the functions of the Ecclesiastical Commission were

materially extended, and a large addition was also made to the number of the members of the Board.

Under this Act a "Common Fund," to be applied to the relief of parochial spiritual destitution, was founded. Its income was to consist of the proceeds of sixty Canonries, and of certain charges to be imposed on the incomes of the Deaneries and Canonries of Durham, Westminster, and St. Paul's, London, also of the endowments of the sinecure rectories in public patronage, and of the separate estates of the non-residentiary Prebends and Dignities of the Cathedrals of the old Foundation.

Each canonry enjoyed a definite proportion of the capitular patronage of livings, and of the corporate revenue of its chapter; and it was provided that the Dean and the remaining Canons should retain the whole of the patronage of livings, and that the Ecclesiastical Commission should receive the shares of the suspended canonries in the corporate revenue, but should have no voice in the management of the corporate property. The Commission might object to items in the annual accounts, inasmuch as the divisible revenue would be augmented by their rejection; but even where more than half the divisible revenues are paid to the Commission, no interference is permitted with the management of the property by the Dean and the remaining Canons.

The endowments of the sinecure rectories and the estates of the prebends and dignities before-

mentioned were vested in the Commission and placed under its management.

The canonical shares of corporate revenues were calculated to produce 67,003*l.* yearly when all were vacated, the sinecure rectories 8894*l.*, and the estates 58,354*l.*, making a total of 134,251*l.* yearly; but the revenues from the estates were subject not only to the lives of the Dignitaries, but to their right to renew the leases of the properties for lives and years, so that a period of not less than ninety years might be expected to elapse before the whole estates would fall into the possession of the Commission. Even now (1863) some of these preferments are not vacated, and the Incumbents renew the leases by the insertion of young lives.

The Act simply placed these sources of income under the control of the Commission, without any direction as to the mode of dealing with the lessees, or as to the distribution of the revenues amongst the various claimants in respect of different classes of spiritual destitution; except that a local claim to prior consideration was given to places where the property vested in the Commission consisted of tithe or of land allotted in lieu of tithe.

In 1843 the income at the disposal of the Commission amounted to about 30,000*l.* a year. About 4000*l.* a year was appropriated in 82 grants to meet benefactions and local claims; and the rest was distributed in 510 grants, raising 60 livings to 80*l.* a year, 85 livings to 100*l.* a year, 98 livings to

120*l.* a year, and 267 livings with more than 2000 inhabitants to 150*l.* a year; and a capital sum of 30,000*l.* was expended in the erection of parsonage houses, in aid of private benefactions, for 60 livings having incomes of less than 200*l.* a year.

But these grants raising to pitiful incomes, varying from 80*l.* to 150*l.* a year, 510 livings, necessarily failed to reach the necessities of the great masses of population in the mineral and manufacturing districts. Sir Robert Peel, therefore, obtained parliamentary sanction to the temporary loan of 600,000*l.* from the trust fund in the hands of Queen Anne's Bounty, in order that the Commissioners might make 200 grants of 150*l.* a year each, so as to enable the creation of 200 ecclesiastical districts in the great manufacturing towns, and in other places where large masses were unprovided with spiritual care. These grants, however desirable, (and as the issue has proved most valuable,) imposed upon the common fund in anticipation of its revenues a charge of 30,000*l.* a year for grants, and of 18,000*l.* a year interest to Queen Anne's Bounty, thereby precluding any other considerable augmentations for many years. The grants made to partially satisfy specific expectations previously raised, or which became payable in respect of the reserved rents or income of property actually in possession, amounted in the interval between 1844 and 1850 to about 20,000*l.* a year, making in 1850 a total permanent charge on the

Common Fund of 80,000*l.* a year, in addition to the 18,000*l.* payable annually for interest to Queen Anne's Bounty fund.

In addition to the three main recommendations made by the Church Enquiry Commission, the Report called attention to the fact, that the existing mode of providing the incomes of the Episcopal and of the Capitular Corporations, by fines on the renewal of leases, necessarily involved a considerable waste of church revenues. The Government at the same period directed an investigation of the same subject, and ascertained beyond a doubt, that this waste really existed, and proposed that the episcopal and capitular estates should be enfranchised; and that the church-rates, estimated at a charge of 250,000*l.* a year, should be defrayed by the Ecclesiastical Commission out of the improved income obtainable by the Church from a change of system. But the before-mentioned return of the actual state of the parochial Clergy was sufficient to prevent any such appropriation of the improved revenue obtainable from the episcopal and capitular property; and at the same time, the lessees, who had for many years generally held the episcopal and capitular leaseholds on very favourable terms, vehemently opposed any arrangements calculated to interfere with their beneficial tenure.

In the years 1837, 1838, 1839, a Committee of the House of Commons investigated the Govern-

ment calculations and considered the general question. The recommendations made were not very definite in their character, but advised the enfranchisement of the leaseholds, with due consideration for the equitable claims of the lessees.

By the same Act that enabled the formation of the Peel Districts, the Act of 1843, Parliament gave authority to the Commission to sell the property vested in it, and to reinvest the purchase monies, and then the consideration of the mode of extracting the full value from the estates vested in the Commission necessarily engaged the attention of the Board. The Board determined never to renew beneficial leases; but the mode agreed to be adopted in selling reversionary interests was so favourable to the Church, that the lessees at once placed themselves in direct antagonism, and that, not only as regarded the small portion of leaseholds under the Commissioners' control but, as regarded the whole of the episcopal and capitular leaseholds. For the lessees (fairly) regarded the Commission as the only body which could really afford to dispute their claims, inasmuch as it alone had a permanent, and not a mere life, interest in the property.

In 1847-48 a Committee of the House of Commons investigated the constitution of the Commission and its practice with respect to enfranchising leaseholds, and advised that permanent lay members should manage the property, and

adopt a more liberal mode of dealing with the lessees.

Immediately after the appearance of the report of the Commons' Committee, a Royal Commission, called the Episcopal and Capitular Revenues Commission, was issued representing both the Church and the lessees' interests. It reported in favour of charging the Church leasehold property with rent-charges, payable to the Church in substitution of the fines theretofore taken for the renewal of the leases; and directed these rent-charges to be calculated on a basis as favourable to the lessees as the practice of the Commission had been favourable to the Church.

In 1850 the Act passed modifying the constitution of the Ecclesiastical Commission, (which at that time consisted of all the Bishops, three Deans, six Judges, five Members of the Government, and six Lay Members,) by the addition of three Lay Commissioners, two appointed by the Crown, and one by the Archbishop of Canterbury, and directing that these three Members, with two others elected by the Board, should form the Estates Committee, and have the entire management (subject only to any directions that might be laid down by the Board) of all the Estates vested in the Commission. The same Act contained provisions for preventing in future the fluctuations and uncertainty in episcopal incomes inseparable from the previous system; and the "Episcopal Fund"

was fused with the "Common Fund," which thereby became liable to the provisions specifically affecting the Episcopal Fund. By this legislation the "Common Fund," for the relief of spiritual destitution, also became interested in the whole of the improved value obtainable by the better management of episcopal property, as it had previously been interested in making the most of the sinecure Rectories, and of the Prebendal, Decanal, and Capitular Estates.

This Act gave no directions as to the mode in which the lessees should be dealt with; and the Commission, having originally resolved not to continue to renew leases on the payment of fines, remained quiescent, expecting Parliament to decide as to the method and measure of due consideration to be accorded to the lessees' claims in respect of the long continued practice of renewing beneficial leases.

At the passing of the Act of 1850, the payments and receipts of the Episcopal Fund nearly balanced each other. The annual payments made out of the Common Fund in augmentation of livings were about 50,000*l.* a year, exclusive of the 30,000*l.* a year, granted under Sir Robert Peel's Act of 1843. The permanent net revenue of the Common Fund was about equivalent to these augmentations of 50,000*l.* a year; and the unexpended amount of the 600,000*l.*, borrowed from Queen Anne's Bounty, and the vacation of the suspended canonries and

prebends not then vacated, and the gradual lapse of the leases on which the Prebendal estates were held, were expected to meet, from time to time, the payment of the Peel Grants, amounting to 30,000*l.* a year, and of the 18,000*l.* a year to Queen Anne's Bounty, and also to cover the ultimate repayment of the 600,000*l.*

From this brief sketch of the course of legislation from 1836 to 1850, your Grace will see that the Ecclesiastical Commission, on its reconstruction in 1850, was placed in a position of much difficulty.

It was certain that to raise the existing Parochial livings in public patronage, having less than 500 inhabitants, to (even) 200*l.* a year, and having more than 500 inhabitants, to (even) 300*l.* a year, would require grants to the extent of 214,000*l.* a year; while the formation of districts, and the division of parishes with large populations, would require probably an equal amount to raise each cure to the same income of 300*l.* a year; and that to supply *one-half* of the sum necessary to raise the livings with more than 500 population in private patronage to 300*l.* a year, would require 100,000*l.* a year; so that 500,000*l.* a year was required to relieve the spiritual destitution of the country; and that additional parsonage-houses were requisite, of which the cost would not be less than two millions of money.

To meet these necessities revenues had been

placed at the disposal of the Ecclesiastical Commission, calculated to produce at some future period 134,251*l.* a year; and on the security of this revenue 80,000*l.* a year had been granted in about 1000 grants, and 30,000*l.* expended in aid of the erection of parsonage-houses, and 600,000*l.* had been borrowed, on which 18,000*l.* a year must be paid for interest until the capital should be repaid.

The Commission was therefore unable to provide further means for alleviating spiritual destitution, its resources having been anticipated for many years for the formation of the Peel districts; the operation of the Pluralities Act increased daily the pressing claims upon its funds; the Peel districts, and the augmented livings had insufficient incomes, and many populous districts were almost wholly destitute of spiritual care; and, in addition to these various sources of dissatisfaction within the Church, it stood opposed to a body of some 6000 lessees, holding property stated to be worth 36,000,000*l.* sterling, and comprising a large number of the leading members of Parliament and influential land-owners, who claimed that the beneficial interests that they had undoubtedly enjoyed for many years should be perpetuated, and formed an organized body, under the presidency of the Duke of Richmond, to enforce their claims.

The difficulties of the Commission arose, therefore, in a very slight degree, if at all, from any

faults attributable to the management; it was viewed with suspicion by all the Church dignitaries that deprecated any change of system; its operations afforded no claim to support from any organized party either in Church or State; the hostility of the lessees necessarily preceded any adjustment of the conflicting claims to the improved income derivable from Church property; the dissatisfaction of the Clergy, and of the well-disposed Laity, was the inevitable result of the disproportion between its resources and the overwhelming spiritual destitution of the country.

In the succeeding letter I propose to proceed to the period between 1850 and 1863.

I have the honour to be,

My Lord Archbishop,

Your Grace's most obedient humble Servant,

EDMUND JAMES SMITH.

LETTER II.

September, 1863.

My Lord Archbishop,

I have endeavoured to represent the necessarily difficult position in which the Estates Committee and the Ecclesiastical Commission were placed in 1850. Their disposable revenues anticipated for some years; the great body of the lessees opposing the Commission as antagonistic to their interests; and the Parochial Clergy dissatisfied; inasmuch as the grants, though amounting to 80,000*l.* a year, were quite inadequate to the relief of the general spiritual destitution, an object which required at least 400,000*l.* a year, in addition to a large amount of capital for the provision of parsonage houses.

The Estates Committee, consisting of the Earl of Chichester and Sir John Lefevre appointed by the Crown, and Mr. Goulburn appointed by the Archbishop of Canterbury, with the addition of Bishop

Blomfield and Sir James Graham appointed by the Board, entered under these circumstances upon their labours at the close of 1850.

In the session of 1851 the Government introduced into the House of Lords a Bill founded on the Report of the Episcopal and Capitular Revenues Commission in 1850, and the Archbishop of Canterbury moved its reference to a Select Committee. After a lengthened investigation the Bill was found to be objectionable: on public grounds, as perpetuating an unsatisfactory tenure of land when legislation was directed to the conversion of copyhold and other inferior tenures into freehold; on the part of the Church, as affording for its requirements too small a proportion of the improved value confessedly attainable by improved management; and on the part of the lessees, as converting fines, payable occasionally, into an annual permanent rent-charge of so large an amount that the perpetual possession of the margin between the rent-charge and the rent of the land would be of little commercial value.

The Lords' Committee agreed to advise, in substitution of the proposals in the Bill, that the opportunity should be afforded to the Episcopal and Capitular Corporations to voluntarily enfranchise their properties with a view to the provision of their incomes from permanent estates in possession; that the improved value derivable from enfranchisements should be paid to the Common

Fund in aid of the relief of spiritual destitution; and that the due consideration of the claims of the lessees in respect of the long-continued practice of renewal, should be defined by the allowance in enfranchisements of the value of one more septennial renewal on the old system. Parliament thereupon immediately passed the Church Estates Act enabling voluntary enfranchisement by the Episcopal and Capitular Corporations, and nominated the three members of the Estates Committee appointed by the Crown and the Archbishop, as Church Estates Commissioners, to superintend, without remuneration, the transactions under the Act, and to transfer to the Common Fund the improved value to be realized under its provisions.

This Act therefore afforded the means of meeting the two great difficulties of the Commission—the provision of funds, and the determination of the extent of the claims of the lessees; and Bishop Blomfield, with the concurrence of Archbishop Sumner and the other episcopal members of the Lords' Committee, was undoubtedly the main promoter of the Act; which was only tentative, and to continue for three years. Upon its enactment the Estates Committee resolved to deal with the estates vested in the Ecclesiastical Commission upon the principles laid down by the Lords' Committee.

Before the expiration of the Act in 1854 more than 600 properties of the value of about three millions of money had been enfranchised either by

the Episcopal and Capitular Corporations, or by the Ecclesiastical Commission, and on its renewal other Corporations effected enfranchisements, so that by the year 1856 about 1300 sales and purchases had been agreed, relating to property of the value of six millions of money; and it was evident that the principles adopted, though satisfactory to the Church, were acceptable to the lessees, and that the experiment had proved eminently successful.

Soon after the passing of this Act of 1851, it was found that several of the Chapters, desirous of carrying out enfranchisements, were unwilling themselves to enter upon negotiations with the lessees, but would, if the Commission would take these estates subject to the leasehold interests and return them estates in possession with all convenient speed, gladly accept fixed incomes during the intermediate period. These commutations effected the objects of the Act of 1851, though in a different manner. The Common Fund of the Commission, instead of receiving the improved value on each separate enfranchisement, received the improved value on the whole estate as soon as the permanent estate was restored; and Archbishops Sumner and Musgrave and Bishop Blomfield promoted these commutations as an alternative mode of aiding the Common Fund.

The Chapters of York and Carlisle, in the first instance, and then those of Peterborough, Chester,

Gloucester, St. Asaph, Worcester, Salisbury, Bristol, Canterbury, Chichester, Winchester, and Exeter effected commutations on this principle. The Chapter of St. David's desired to effect a commutation, but the probable benefit to the Common Fund was not in that instance such as to induce the Estates Committee to accept the offer.

In 1852 a Royal Commission sat to inquire into the state and condition of the Chapters, and their Report suggested the appropriation to capitular objects of the improved value obtainable by a better system of management, but no Parliamentary notice has been taken of this Report. It has probably induced several Chapters to persevere in the system of taking fines for the renewal of leases, a practice equivalent to borrowing the capitular income at 7 or 8 per cent. interest, instead of raising the permanent incomes by sales at the rate of $3\frac{1}{3}$ per cent.; the loss to the Church being very partially gained by the lessees, as they have no security for the continuance of the system.

In 1856, the results of the Church Estates Act of 1851, and the practice of the Ecclesiastical Commission under its reconstitution, were considered by a Committee of the House of Commons, presided over by the present Earl Russell, and the Committee made an elaborate report, which set out the satisfactory results of the enfranchisements and of the capitular commutations, and advised that the Third Church Estates Commissioner should

be paid as well as the other two Commissioners. It also confirmed the provision of estates in possession for the Ecclesiastical Corporations, laid down rules rather more favourable to the lessees than those previously adopted, and suggested increased economy in the management. The Committee specially declined to extend to *all* other property the provision in favour of the Local Claims of places where Tithe property was situated, and carefully limited the extension to Glebe land only.

In 1858, a Committee of the House of Lords sat for the consideration of the requirements for the relief of the spiritual destitution of the metropolis and of densely populated districts, and reported a large amount of evidence. The Committee advised the appropriation of the revenues arising within the metropolis to the metropolitan spiritual destitution, and that the provision relative to the prior consideration of the claims of places where tithe property was situated should be extended to *all* kinds of property.

In 1860, an Act passed, omitting the Commons' Committee recommendation of the payment of the Third Estates Commissioner. The Act directed that each episcopal income should be provided from real estate, and that pending such provision the present estates should on the first vacation vest in the Ecclesiastical Commission; gave some further allowances in consideration of the claims of the lessees; and omitted the Lords' Committee recom-

mendations relative to metropolitan spiritual destitution, but extended to *all* kinds of property that prior consideration in the relief of spiritual destitution which had to that time extended only to places where tithe property was situated.

The operations of the Estates Committee with the sanction of the Ecclesiastical Commission from 1850 to 1863, may be conveniently arranged under three principal divisions:—The enfranchisements of Church Leaseholds for the provision of the permanent estates of the Ecclesiastical Corporations, and on terms satisfactory to the lessees; The restoration of the balance of the Common Fund, so as to enable the resumption of grants; The objects to which these grants have been directed.

The enfranchisement of Church Leaseholds on the basis laid down in the Lords' Committee Report has not failed in any part of the kingdom, for every Episcopal and Capitular Corporation has found it practicable to apply those principles to the circumstances of its own district. In several cases the Chapters have declined themselves to use the machinery of that Act, and have, as before mentioned, effected commutations, so that these estates might be more rapidly and economically provided; and in some cases the Estates Committee has found it necessary to intervene and support the Corporation against the surrounding

local influences; but in no one district do the lessees, as a body, remain dissatisfied with the application of the principles laid down by the Committee of the House of Lords in 1851. The modifications subsequently pressed by the lessees into the Act of 1854 and 1860, operate in their favour, but amount in the whole to only a slight variation from the original terms. The general results are the reservation to the Episcopal and Capitular Corporations of such leasehold estates as they see fit to retain for permanent possession, or as building ground, or for additions to parsonages, and the average increase of about one-half in the revenues beyond the receipts under the previous system; such increase being transferred to the Common Fund of the Ecclesiastical Commission, subject to the local claim for augmentation of the living of the place where the enfranchised property was situated. The total number of the transactions effected since 1851 has been more than four thousand, of which 2417 have been agreed by the Corporations, and relate to property of the value of nearly ten millions sterling. Of these, 1998 have been fully completed, relating to property of the value of 7,357,000*l.* The value realized by the Corporations under the system of taking fines proves to have been 32 per cent., and the increase realized by enfranchisement is 16 per cent., so that the improved value obtained on these 1998 cases

exceeds 1,200,000*l.*, of which, according to the last Report of the Church Estates Commissioners, 1,127,546*l.* has been actually transferred to the Common Fund. Assuming the value of the Episcopal and Capitular Estates at 36,000,000*l.*, and that this average improvement arises on the whole, (an assumption well within the truth,) an improved value of six millions sterling is the value of the difference between the system of taking fines and the present system, the Corporations continuing to receive the full incomes obtainable by them under the system of taking fines.

But this increase by no means represents the total increase in the receipts from the Episcopal and Capitular Estates since 1835. In the interval, the rate at which fines on the renewal of leases have been calculated, has been raised in many cathedrals, so that the Capitular revenues at the present time are much larger than in 1832, in some cases the increase reaching 50 per cent. The opportunity, also, of dealing with the property has enabled arrangements to be effected relative to building land and other improvable property previously remaining mere agricultural land. Several towns were partially surrounded by ecclesiastical land injuriously restraining their extension, where now buildings have been erected to the profit of the Church, and the great advantage of the town; and there are several estates which, if

judiciously retained, will supply increasing means for the future relief of spiritual destitution.

These transactions have afforded the means of carrying into effect that recommendation of the Lords' Committee in 1851, sanctioned by the Commons' Committee of 1856, and partially enacted by the Act of 1860, which advises that the incomes of Episcopal and Capitular Corporations shall be provided from real estates in possession. The Act of 1860 relates only to the Episcopal estates, and of those the estates of the sees of York, Durham, and Peterborough, have been assigned to them by the Commission, and the estates of several other bishoprics are either provided under the operation of the Act, or are ready to be assigned to them by the Commission in consequence of their dealings with the estates under their control.

It having been advised that the estates of the Chapters should be provided in like manner, that has been agreed to be done where commutations have been effected. The permanent estates of the Chapters of York and Peterborough have been assigned, and those of several other Chapters have been offered to the Chapters and are under their consideration, and those of other commuted Chapters have been partially secured.

Viewing in all its bearings the conversion of leasehold into freehold in possession; as freeing from an inferior tenure a large extent of land admitted to be badly cultivated but capable of great

improvement; as enabling the provision of permanent estates in possession for the Ecclesiastical Corporations, and the enfranchisement of the rest of the estates to the lessees, with whose private property they are frequently intermixed; and as providing without loss to any one a large amount for the relief of the spiritual destitution of the kingdom; the proceedings of the Estates Committee, under the sanction of the Ecclesiastical Commission, may well invite investigation; and no case of grievance on the part of the lessees was adduced in the whole of the recent investigation of the transactions of the Commission by the Committee of the House of Commons during the last two sessions.

Whether the expenses attendant on these transactions have been more than were necessary to secure the success of the process of conversion, is not a point to be here considered. A most exact account of the total cost attending the enfranchisement of the 7,357,000*l.* dealt with in the 1998 cases then completed, appears in the last Report of the Church Estates Commissioners. The total expenses are there found to amount to 107,800*l.*, being an average of nearly *thirty shillings* for every hundred pounds in value of property so converted, including the stamp duty on purchases and the costs incurred where negotiations with the lessees have not terminated in agreements. The expenditure in the improvement of the properties proposed to be assigned as the permanent estates

of the Ecclesiastical Corporations has been challenged, but it clearly is better to improve an hitherto badly farmed leasehold and raise its income than to buy a larger area of land. Such expenditure always carries a larger interest than can be obtained by the purchase of land, and it is desirable for many reasons to provide the permanent estates from property previously belonging to the Ecclesiastical Corporations.

The restoration of the balance of the Common Fund, so as to enable the resumption of grants, was effected partly by abstaining temporarily from further grants, partly by effecting sales of the estates vested in the Commission, and partly by the accretion of the improved value arising from the proceeds of the transactions by the episcopal and capitular corporations under the provisions of the Church Estates Act.

From 1850 to 1856 no grants were made, save such as became chargeable in respect of reserved rents, or other property fallen into actual possession and producing revenue, so that the augmentations, which were 80,000*l.* in 1851, were only 82,000*l.* in 1856; in addition to about 2000*l.* a year annexed in land and tithes to certain livings, and not appearing in the Commissioners' accounts. But in 1857 a small amount (5000*l.*) in capital was appropriated to meet benefactions, and in the subsequent years sums of 18,000*l.*, 57,000*l.*, 66,000*l.*, 80,000*l.*, 100,000*l.*, and 100,000*l.*, in all 426,000*l.*,

were appropriated for the same purpose; and in the last two years annual grants to the amount of 40,000*l.* a year were also appropriated to meet local claims, and to raise to 300*l.* a year the incomes of all livings having a population of more than 10,000 persons.

The Commission was constituted in the anticipation that a revenue of 134,251*l.* would be ultimately realized, and in 1850 the amount distributed was 80,000*l.* a year, in addition to the payment of 18,000*l.* a year to Queen Anne's Bounty. The sums at present appropriated for the relief of spiritual destitution, including the land and tithes actually annexed to livings, amount to 160,000*l.* a year, while the margin between the permanent revenue and the permanent charges is not less than 70,000*l.* a year. In addition a considerable portion of the estates originally vested in the Commission is still unproductive; the permanent estates of the greater part of the Bishops and Chapters are not settled, so that the improved value which in each case will be realized is not yet available for the purposes of the Common Fund; a large amount of capital is payable to the Common Fund in respect of the transactions agreed, but not yet fully carried out, by the ecclesiastical corporations; and further amounts will also be payable as further transactions are effected.

The objects to which these grants have been directed have been regulated by the General Board

with reference to the legislation governing the proceedings of the Commission. That there is much difficulty in determining whether any amount available for the relief of a small portion of a large mass of spiritual destitution should be applied to the division of populous districts, or to the augmentation of poor livings with small incomes and large populations, or to the increase of poor livings with less than 80*l.* a year with small populations dispersed over a wide area, is self-evident; as well as that individuals in each division might not unnaturally regard their own cases as those most requiring immediate attention: and hence a great part of the evidence before the recent Committee of the House of Commons relates to the claims of particular classes of poor livings, which the parties interested consider to have been erroneously postponed. The decision of the Board upon the resumption of grants was that for some time the capital sums granted should be applied to meet benefactions of not less than equal amount; and in each year the benefactions disposable have amounted to twice the sum at the command of the Commissioners.

But the Act of 1860, as previously mentioned, extended the Local Claims, previously existing upon tithe property alone, to the whole of the property vested in the Commissioners, and to the whole of the improved value which had been transferred to the Common Fund from the voluntary transactions of the Ecclesiastical Corporations; so that the whole

of the property of the Common Fund was, without regard to the already existing charges, made liable to the claims of the places where such property was situated. It is true that many such cases were in great spiritual destitution, and that such places had a moral claim upon the funds arising within them; but the purpose of the Common Fund to provide for general spiritual destitution, with a limitation in favour of tithes only, was changed by this enactment into the provision in the first instance for the wants of the places where property was situated, and the appropriation only of the remaining balance to the general spiritual destitution.

Under these circumstances the Commissioners continued to make the grants to meet benefactions which the public had been led to anticipate, but at the same time determined to relieve the Common Fund from the local claims, arising where the property of the Cathedral dignities had been situated, wherever the present value of the reversionary property was sufficient for the purpose; and, having thus relieved the Common Fund from a considerable portion of the first charge upon it, the Commissioners determined to meet the destitution in the populous districts, so far as to provide that no place having more than 10,000 inhabitants shall be held by an Incumbent with less than 300*l.* a year.

The action of the Estates Committee, with the

sanction of the Ecclesiastical Commission since 1850, has therefore, with the aid of the legislation adopted in 1851, settled the questions with the lessees, restored the balance of the Common Fund and enabled the resumption of grants, and placed the finances of the Commission in a position eminently satisfactory: while with respect to the future there is every reason to trust that the gradual continuous increase in the funds at the disposal of the Commission will lead to continuously increasing results, so that, with the aid of private benefactions, and the assistance of the Crown with respect to the poor livings in its patronage, effectual provision for the residence of the Parochial Clergy may be gradually made not only in the parochial districts existing in 1835, but in every place where a separate district is requisite.

I have the honour to be,

My Lord Archbishop,

Your Grace's most obedient humble Servant,

EDMUND JAMES SMITH.

GILBERT AND RIVINGTON, PRINTERS, ST. JOHN'S SQUARE, LONDON.